United Nations S/2002/1025

Security Council

Distr.: General
13 September 2002

Original: English

Letter dated 9 September 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 14 August 2002 (S/2002/955).

The Counter-Terrorism Committee has received the attached supplementary report from the Federal Republic of Yugoslavia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 4 September 2002 from the Permanent Representative of Yugoslavia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Further to your letter of 28 May 2002, I have the honour to forward, enclosed herewith, the information supplementing the report of the Federal Republic of Yugoslavia to the Counter-Terrorism Committee on the implementation of resolution 1373 (2001) (see enclosure). I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Dejan **Sahovic**
Ambassador
Permanent Representative

Enclosure

Information supplementing the report of the Federal Republic of Yugoslavia to the Counter-Terrorism Committee on the implementation of resolution 1373 (2001)*

Sub-paragraph 1 (a)

Could Yugoslavia provide an outline of the proposals made by the interdepartmental Working Group to amend the laws of Yugoslavia to bring them in line with the UNSC resolution 1373 and other relevant international conventions.

Legislation to provide compliance with UNSC resolution 1373 and other relevant international documents regulating this matter is still under preparation and will be forwarded to the UNSC Counter-Terrorism Committee as soon as it is ready.

Sub-paragraph 1 (b)

Since Yugoslavia signed the International Convention for the Suppression of the Financing of Terrorism, what are Yugoslavia's intentions for incorporating the relevant offences from the Convention into the various laws of Yugoslavia?

The Bill on the Amendment of the Criminal Law of the Federal Republic of Yugoslavia, submitted to the Federal Assembly for enactment, provides for the criminal offense of financing of terrorism. Its incorporation is proposed in order to provide compliance of the Yugoslav criminal legislation with this Convention, signed and ratified in the meantime. According to the Bill, this offense is committed by a person who makes available or collects funds intended for the financing of terrorism and is punishable with one to ten years in prison.

The provision of the future Article 155g "financing of terrorism", according to the Bill on the Amendment of the Criminal Law of the FR of Yugoslavia reads:

"Financing of terrorism
Article 155g

1) Whoever makes available or collects funds intended for the financing of the commission of criminal acts referred to in Articles 155a, 155b or 155v shall be punished with one to ten years in prison.

2) Funds referred to in paragraph 1 of this Article shall be impounded."

Note: Article 155a refers to international terrorism, Article 155b to threats to persons under international protection, and Article 155v to taking of hostages.

Sub-paragraph 1 (c)

Does Yugoslavia intend to amend its law to enable the freezing of funds that are kept in Yugoslavia by persons (including, in particular, natural persons, given the current limitation of the operation of Article 210 of the Law on Criminal Procedure to legal persons) and entities outside Yugoslavia who are connected with terrorist activities outside Yugoslavia?

The FR of Yugoslavia will in the foreseeable future enact laws that will incorporate relevant incriminations enabling the punishment of the above mentioned offenses.

What vigilance and reporting obligations apply to financial intermediaries (including those outside the main financial sector, such as lawyers) with a view, in particular, to the prevention of economic and financial transactions with terrorist or other criminal aims (as distinct from identifying the proceeds of illicit activity)? What are the penalties for breach of those obligations and have any penalties already been handed down?

* The annexes are on file with the Secretariat and are available for consultation.

The Federal Commission for the Prevention of Money Laundering has been set up in order to enforce the Law on Money Laundering (*Official Gazette of the FRY* No. 53/2001) which became applicable on 1 July 2002. A Department for Combating the Financing of Terrorism has been envisaged within its scope. The Regulation on the Internal Organization and Job Classification in the mentioned Commission provides for eight jobs for employees who would engage in analytical and study work as well as technical and operative work referring to transactions connected with the financing of terrorism. The task of the Department is to assess whether specific financial transactions give ground to the suspicion that they involve money laundering for the financing of terrorism, so that appropriate measures can be undertaken against the persons engaging in such transactions.

Sub-paragraph 1 (d)

Please explain how the new Law on Criminal Procedure is expected to achieve the specific objective of this sub-paragraph. Please provide an outline of the relevant provisions and a progress report on its enactment and implementation.

The new Law on Criminal Procedure which came into force in March 2002, introduces a new provision in Article 234 which authorizes the investigating judge, if there is a reason to believe that a criminal act punishable with ten or more years in prison has been committed, to order, at a request of the State Prosecutor, a banking, financial or other organization to provide information about business or personal accounts. The new provision is expected to facilitate the detection of the criminal acts of financing of terrorism.

In December 2001 the Federal Government requested from the Federal Ministry of Finance and the Federal Ministry of Justice, as well as from the other relevant Departments, to investigate the possibility of drafting a federal law that would comprehensively regulate the undertaking of measures against organized crime and international terrorism, particularly in the financial area.

What preventive controls and surveillance measures exist to ensure that funds intended for the financing of terrorism are not transferred through charitable, religious or cultural organizations?

Please indicate the measures and instruments available to regulate alternative funds transfer arrangements, including the system known as Hawala.

The Law on Donations and Humanitarian Aid (*Official Gazette of the FRY*, Nos. 53/2001 and 61/2001) regulates the procedure relating to the receipt of donations and humanitarian aid from abroad, benefits relating to donations and aid granted to their recipients, as well as penalties in case of misrepresentation of facts for the purpose of acquiring benefits, misuse of foreign currency received through donations and humanitarian aid, as well as in the case of hampering the inspection of goods, business books and other documents relating to the received donations and humanitarian aid (that could be used, inter alia, for the financing of terrorism).

Sub-paragraph 2 (a)

Please outline the legal provisions that regulate the manufacture, sale, possession, transport and storage of weapons in Yugoslavia.

The list of regulations referring to the manufacture of and trade in armament and military equipment is provided in the Enclosure 1.

Please outline the legal provisions and procedures that regulate international trade in weapons and explosives.

Pursuant to the provisions of the Law on Transport of Hazardous Substances (*Official Gazette of the SFRY*, Nos. 27/90 and 45/90), the Federal Ministry of the Interior is in charge of issuing permissions for the transport of explosive substances across the state border or within the territory of the FR of Yugoslavia (import, export, transit), which contain the data on the sender, manufacturer, carrier and recipient of goods, as well as instructions about compulsory observance of special security measures, including a defined route of transport with police escort.

Pursuant to Article 27 of the Law on the Manufacture of and Trade in Armament and Military Equipment (*Official Gazette of the FRY*, No. 41/96) and Article 4 of the Regulation on the Transport of Armament and Military Equipment (*Official Gazette of the FRY*, No. 54/97), the Federal Ministry of the Interior is in charge of issuing permission

for the transport of armament and military equipment across the territory of the FR of Yugoslavia, on the basis of a previously issued permission of the Federal Ministry of Defense for the trade in armament and military equipment.

Permission for the transport of weapons and ammunition across the state border and for the transit via the territory of the FR of Yugoslavia is issued by the Federal Ministry of the Interior on the basis of a previously procured opinion of the Federal Ministry of Foreign Affairs and the Federal Ministry of Defense, as regulated by Article 30 of the Law on Border Crossing and Movement in the Border Zone (*Official Gazette of the SFRY*, No. 30/83).

In addition, import and export of explosives, arms and ammunition that are not intended for the use by armed forces, i.e. that are not classified as armament and military equipment, is carried out on the basis of permission issued by the Federal Ministry of Foreign Economic Relations, which specifies all participants in the trade, pursuant to the Decision of the Interdepartmental Commission for Issuing Permissions for Export and Import of Sports and Hunting Arms and Ammunition and Production Supplies for the Manufacture Thereof, in compliance with the provisions of the Law on Foreign Trade.

Special security measures are applied in all the mentioned cases of international trade of arms and explosives.

The Ministry of the Interior of the Republic of Serbia, in accordance with its scope of work defined by law, carries out and supervises the proper implementation of laws and bylaws, including regulations significant for effective combating of terrorist activities in the field of manufacture of and trade in arms, ammunition and explosives. In addition, the Ministry initiates amendments to the present and enactment of the new laws and bylaws. To upgrade the legislative and institutional framework for combating terrorism, the Ministry initiated the enactment of a special Counter-Terrorism Law, which will draw on the experiences of other European and overseas countries and be in compliance with the guidelines and objectives of UNSC resolution 1373.

Enclosure 2 lists the Republic laws and bylaws which regulate the manufacture of and trade in arms, ammunition, explosives, flammable liquids and gases.

Please outline the measures, both legislative and practical, preventing entities and individuals from recruiting, collecting funds or soliciting other forms of support for terrorist activities to be carried out inside or outside Yugoslavia, including, in particular:

- **the carrying out, within or from Yugoslavia, of recruiting, collecting of funds and soliciting of other forms of support from other countries; and**
- **deceptive activities such as recruitment based on a representation to the recruit that the purpose of the recruitment is one (e.g. teaching) different from the true purpose and collection of funds through front organizations.**

Legislative measures preventing groups of persons from recruiting, collecting or soliciting various forms of support to terrorist activities are regulated by the Criminal Law of the FR of Yugoslavia as follows:

- terrorist and sabotage activities – by Articles 125, 126 and 127;
- sending and transferring to the territory of the FRY of armed groups, arms and ammunition – by Article 132;
- activities aimed at violation of the territorial sovereignty – by Article 135;
- association for the purpose of hostile activity – by Article 136;
- preparation and commission of the gravest forms of criminal acts – by Articles 138 and 139;
- abetting the perpetrator after the committed criminal act – by Article 137;
- international terrorism – by Article 155a;
- threats to persons under international protection – by Article 155b;
- taking of hostages – by Article 155v.

Practice has confirmed that the routes of illegal trafficking in narcotic drugs, white slavery, arms and other lethal means, as well as the illegal migrations toward Europe lead via the territory of the FRY.

The perpetrators of such criminal activities are potential perpetrators of terrorist activities.

In its general commitment for the participation in the combat against all forms of terrorism, the FRY is only continuing its ongoing activities in combating terrorist activities in its own territory which indirectly affect these activities in Europe and the world.

By what means is Yugoslavia able to control the establishment, and operations, in its territory of paramilitary groups that have the potential to engage in terrorist activities?

According to the valid regulations, any form of paramilitary organization and operation in the territory of the FRY is prohibited. The official state security forces in the FRY are the Ministry of the Interior and the Yugoslav Army. In view of the risk of possible establishment of paramilitary and/or terrorist groups and organizations, Ministries of the Interior of the Republic of Serbia and Republic of Montenegro, within their legitimate powers and competencies, have stepped up their activities referring to the control of the founding and operation of paramilitary groups which have the potential to engage in terrorist activities. In the aim of early prevention of paramilitary organizing and action, competent ministry departments continuously monitor the activities of the potential risk groups, while all available information are analytically processed to serve as a basis for planning and guidelines for the activities of the ministries.

Taking into account the international experiences concerning connections between terrorism and organized crime, the Ministry of the Interior of the Republic of Serbia, within the new organizational unit – Office for Combating Organized Crime, continuously monitors the activity of criminal organizations in order to detect all forms of connections with terrorist activities in or outside the country. Activities are continuously under way to detect and close the channels used for organized smuggling of excise goods, drugs, arms and white slaves, as the most profitable sources of financing of terrorist activities. The Ministry devotes particular attention to the detection of possible links between organized crime and action of terrorist groups, which can conceal their activities under the name of various humanitarian, religious, cultural organizations or commercial representative offices in our country. Detailed checks of the activity of these organizations, their membership and sources of financing are conducted, with special focus on the detection of possible connection with the terrorist organization Al Qaeda. An additional threat to the security of the FRY and broader region is the connection between terrorism in Kosovo and Metohija and in Southern Serbia and organized crime in the trade in narcotics, explosives, arms, ammunition and white slaves, as shown by the results of activities undertaken by the Ministry. This is a very strong link with international character, because training, procurement of arms and equipment, as well as terrorist activities carried out in the territory of Kosovo and Metohija are largely financed by the income tax levied on all employed Albanians in Western Europe, as well as from the proceeds from drug trafficking organized by the Albanian mafia, which is among the best organized mafias in the world. In this context, it should be stressed that the Assembly of the Republic of Serbia adopted the Law on the Organization of Competencies of Government Agencies in Combating Organized Crime and The Law on the Security and Information Agency (*Official Gazette of the Republic of Serbia*, No. 42/2002).

Sub-paragraph 2 (b)

Please describe the mechanisms and procedures available to provide early warning to states on terrorists and terrorist acts.

Relevant data are exchanged with other countries and organizations through the Central National INTERPOL Office, which operates within the Criminal Police Bureau of the Federal Ministry of the Interior of the FRY. In this way, on the basis of established rules of procedure, other States can get early warning on the risk of terrorists and their activities. In addition, these information can be circulated to other members of international community through adequate diplomatic channels.

The reply to sub-paragraph 2 (e) states that Yugoslav legislation does not provide for the punishment of terrorist groups. In this context, please clarify whether the definition of "criminal association" in Yugoslav criminal legislation specifically includes terrorist groups.

As we have mentioned in our previous report, establishment of terrorist groups is not sanctioned in the Yugoslav legislation as a criminal act in itself. However, general provisions on criminal liability provide for the punishment of

organizers of criminal association (Article 26 of the Criminal Law of the FRY). More specifically, a person who, for the purpose of committing a criminal act, created or used an organization, gang, conspiracy, group or another association, shall be held responsible for all criminal acts ensuing from the criminal plan of these associations and shall be punished as though he/she himself/herself committed these acts, regardless of whether and in what capacity that person took part in the commission of some of these acts. Terrorist groups would unquestionably fall into criminal association.

However, if such criminal association (i.e. terrorist group) has not committed any criminal act, the organizer shall be held responsible pursuant to Article 254 of the Criminal Law of the FRY ("Association for the purpose of committing criminal acts covered by the Federal Law"). According to this provision, a person who organizes a group aimed at committing criminal acts covered by the Federal Law, punishable with five or more years in prison, shall be punished with three months to five years in prison, unless a longer prison term is provided for such an organization by the Federal Law.

Please provide a detailed outline of Article 125 of the Criminal Law (relating to anti-State terrorism) and of Articles 155a, 155b and 155c (relating to international terrorism).

The criminal act of terrorism referred to in Article 125 is a form of internal, anti-State terrorism, while criminal acts referred to in Articles 155a, 155b and 155v represent a form of international terrorism which comprises elements of foreign nature.

The act of commission of the criminal act of terrorism referred to in Article 125 of the Criminal Law of the FRY implies undertaking of an action that produces general risk, such as causing explosion or fire, as typical actions. The second form of an act of commission is undertaking of an act of violence. What further defines the act of commission is that both forms of an act of commission must be in close connection with the consequence, i.e. they must cause the feeling of insecurity among the citizens. The feeling of insecurity among the citizens is a subjective condition, manifested primarily as the feeling of fear and endangerment. In addition to the act of commission and consequence, necessary for the existence of this criminal act is that the act of commission has been undertaken with an intention to endanger constitutional order or security of the FRY. That subjective element gives this criminal act a political dimension and in this element it differs from other criminal acts that can also be committed by undertaking a generally risky action or violence.

This act is punishable with three to fifteen years in prison. If the act resulted in a death of one or more persons or caused threat to human life, or is accompanied with massive violence and extensive destruction, or resulted in threat to the security, economic or military power of the country, the perpetrator shall be punished with minimum ten years in prison, and if the perpetrator during the commission of the crime willfully killed one or more persons, he/she shall be punished with minimum ten up to forty years in prison. The same punishment is provided for the perpetrator who committed this act during the state of war of in case of imminent war threat.

As for international terrorism, the Yugoslav criminal legislation makes distinction between international terrorism in the narrower and international terrorism in the broader sense of the word. International terrorism in the narrower sense encompasses criminal acts specified in Articles 155a, 155b and 155v of the Criminal Law of the FRY.

Regulation of the criminal act of international terrorism (Article 155a of the Criminal Law of the FRY) is based on the European Convention on the Suppression of Terrorism of 1977, although at the time of its regulation Yugoslavia had not ratified this convention[1]. The incrimination in this article proceeds from the narrower definition of terrorism, i.e. requires the existence of an intention to harm a foreign State by its commission. This act has a basic and two graver forms. The act of commission of the basic form is alternatively set forth and encompasses a) abduction of a person or commission of another act of violence; b) causing explosion or fire; c) causing danger to human life or to property of high value. The basic form is punishable with minimum one (maximum fifteen) years in prison. Punishment stipulated for the qualified form referred to in paragraph 2, which exists when the act caused the death of one or more persons, is minimum five (maximum fifteen) years in prison, and for the qualified form referred to in paragraph 3, which exists when the perpetrator intentionally killed a person, the punishment is from ten to forty years in prison.

[1] The European Convention on the Suppression of Terrorism was ratified in November 2001 (*Official Gazette of the FRY*, No. 10/2001) and will become effective in relation to our country three months after the deposit of the ratification instruments.

The international legal basis for the criminal act of threat to persons under international protection referred to in Article 155b of the Criminal Law of the FRY is the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, ratified by Yugoslavia in 1976 (*Official Gazette of the SFRY – International Treaties*, No. 54/76). This act has a number of forms. The act of commission of the basic form is defined alternatively as: a) abduction or another act of violence against a person under international protection or b) attack on official premises, private residence or a vehicle of a person under international protection. This act is punishable with minimum one (maximum fifteen) years in prison. The punishment for the qualified form referred to in paragraph 2 of that article, which exists if the act caused the death of one or more persons, is minimum ten and maximum forty years in prison. A less serious form of this offense, stipulated in paragraph 4, implies a serious threat to commit an action referred to in paragraph 1 and is punishable with one to ten years in prison.

A special form of international terrorism understood in broader sense is taking of hostages, which is in our legislation incriminated in Article 155v of the Criminal Law of the FRY. The obligation to regulate this criminal offense arises from the International Convention against the Taking of Hostages, ratified by Yugoslavia in 1984 (*Official Gazette of the SFRY – International Treaties*, No. 9/84). The passive subject, i.e. object of the criminal action is the abducted person, i.e. hostage, while the protecting subject is a foreign state or international organization. The action of commission of this offense is defined cumulatively, i.e. it consists of two acts: abduction and threat. It is a qualified threat i.e. it faces the abducted person with a prospect of being killed, injured or held as hostage unless the requirements have not been fulfilled. This threat is directed more at the state or an international organization which is coerced into doing something, than at the abducted person. Punishment of minimum one year (maximum fifteen) in prison is provided for this form. For the qualified form referred to in paragraph 2, which exists when the perpetrator intentionally killed the abducted person, the punishment of ten to forty years in prison is provided.

Under certain conditions, the following can also be encompassed by the criminal acts referring to international terrorism in broader sense: hijacking of aircraft (Article 240 of the Criminal Law of the FRY), endangering the safety of air flight (Article 241), unauthorized acquisition and use of nuclear material (Article 247a) and endangering the safety of nuclear material (Article 247b). The basis for these incriminations is found in ratified United Nations Conventions: Convention on Offences and Certain Other Acts Committed On Board Aircraft of 14 March 1963 (*Official Gazette of the SFRY*, No. 47/70), Convention for the Suppression of Unlawful Seizure of Aircraft of 16 December 1970 (*Official Gazette of the SFRY*, No. 33/72), Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971 (*Official Gazette of the SFRY*, No. 33/72) and Convention on the Physical Protection of Nuclear Materials, concluded in Vienna in 1979.

Sub-paragraph 2 (c)

Please outline the legal provisions that deal with the provision of asylum to aliens, in particular those that provide for the denial of safe haven to terrorists.

The issue of asylum is regulated by the following:

- The Law on the Movement and Residence of Foreigners, *Official Gazette of the SFRY* Nos. 58/80, 53/85, 30/89, 26/90, 53/91 and *Official Gazette of the FRY* Nos. 24/94, 28/96 (Articles 44 to 49);
- Regulation on the Issuance of Travel Documents and Visas to Foreigners and the Form of these Documents and Visas *Official Gazette of the SFRY*, No. 44/81 (Articles 46 to 48).

According to the provisions of the mentioned law, the right to asylum in the FRY is granted to an alien who is persecuted due to his/her pursuit of democratic views and movements, of social and national liberation, of human freedoms and rights or of the freedom of scientific and artistic creativity.

A foreigner seeking asylum may submit an application for the granting of the right to asylum in person or through the republic bodies in charge of issuing travel documents and visas to aliens, or through diplomatic and/or consular offices of the FR of Yugoslavia abroad. The application can also be taken in the form of a record. The competent body which received the foreigner's request for asylum shall verify the statements in the application and shall forward the application, together with its opinion, to the Federal Ministry of the Interior through republic Ministries of the Interior.

If the available data on the applicant suggest or reasonable suspicion appears in the course of procedure that he/she came with an intention of acting against the FRY, the competent security service shall be informed thereof.

Opinion of the Federal Ministry of Foreign Affairs and, in case of military personnel, of the Federal Ministry of Defense, shall be procured in the course of deciding on the application for the granting of asylum.

An alien who has been granted the right to asylum is provided with accommodation (use of adequate apartment or funds for the provision of living quarters), as well as funds for support and health protection. Resources for these purposes are provided from the federal budget. The Federal Secretariat of Labor, Health and Social Welfare is in charge of the regulation of the mentioned rights for foreigners who have been recognized the right to asylum. The federal minister of the interior is authorized to decide on the recognition and revoking of the right to asylum.

At the proposal of the Federal Ministry of the Interior and of the Federal Secretariat of Labor, Health and Social Welfare, the Federal Government decides on a case-by-case basis on the amount of funds necessary for the support of a foreigner who has been recognized the right to asylum, as well as on the scope of health protection, criteria and conditions for the use and manner of exercising the mentioned scope of protection.

An alien who has been recognized the right to asylum is also granted the right to permanent residence in the FRY.

If after the recognition of the right to asylum data become available due to which the right to asylum would be denied or if it transpires that the alien is acting against the FRY and/or that he/she engages in activities harmful for the country's international interests, procedure will be instituted to revoke the right to asylum.

The decision on the revoking of the right to asylum specifies the deadline by which the alien must leave the territory of the FRY. That deadline may not be shorter than 30 days nor longer than six months. The alien can lodge an appeal to the Federal Government against the decision denying and against the decision revoking the right to asylum. Administrative dispute shall not be conducted against the decision rendered in response to this appeal.

The Law on the Movement and Residence of Foreigners encompasses also the issue of asylum. However, in the context of adjustment to the EU standards, a Task Force has been set up in the Federal Ministry of the Interior which drew up the Draft Law on the Movement and Residence of Foreigners and the Draft Law on Asylum and forwarded them for further consideration.

The Draft Law on Asylum sets forth that asylum will be denied to a person who meets the requirements for the refugee status if it is established:

- that the person committed a crime against peace, a war crime or a crime against humanity in the sense of international law;
- that the person had committed a grave crime outside the territory of the FR of Yugoslavia before he/she was admitted to FRY as a refugee;
- that it is contrary to international interests of the FR of Yugoslavia, national security considerations and protection of public order.

Please clarify whether there are any provisions in existing laws which exclude from access to Yugoslavia persons of the kind mentioned in sub-paragraph 2 (c) of the Resolution who are not asylum seekers.

The Law on the Movement and Residence of Foreigners regulates also the system of issuing FRY visas.

According to the provisions of Article 25, paragraph 1, sub-paragraph 1 of the Law, visa shall not be issued, i.e. entry into the FRY shall be denied to an alien who has committed a crime against humanity and international law.

An alien registered in the records of the competent authority of the FRY as an international offender shall be denied entry into the FRY (Article 25, paragraph 1, sub-paragraph 5).

The prepared Draft Law on the Movement and Residence of Foreigners sets forth that entry into the FRY shall be denied to an alien:

- who is entered into the register of non grata aliens or in the register of internationally wanted persons kept by the competent authorities of the FRY;
- who is not a citizen of a foreign state whose travel document he/she possesses, unless such a travel document expressly states that he/she is entitled to return to the state that issued the travel document or the visa;
- if he/she provided false data about him/herself in the application;
- in other justified cases, particularly if there is reasonable doubt about the identity and/or purpose of application.

Having in view that the FR of Yugoslavia as a transit country is convenient for the migration of the citizens of countries with widespread illegal migration, the competent authorities are undertaking measures to protect external borders of the FRY.

Sub-paragraph 2(d)

Please describe the provisions of the criminal law of Yugoslavia that prohibit the use of Yugoslav territory for the commission of terrorist acts outside Yugoslavia?

The criminal legislation of the FR of Yugoslavia does not recognize the use of the territory of Yugoslavia for the commission of terrorist activities outside it as a separate criminal offense, but such perpetrators would certainly be prosecuted, depending on the concrete circumstances.

Thus, for example, according to Article 253 of the Criminal Law of the FRY "Conspiracy to commit a criminal act prescribed by the Federal Law", a person who conspires with another to commit a criminal act, punishable with five or more years in prison (and criminal acts of terrorism are covered by the Federal Law and such a punishment is prescribed for them), shall be punished with up to one year in prison. According to Article 254 of the Criminal Law of the FRY "Association for the purpose of committing criminal acts prescribed by the Federal Law", a person who organizes a group aimed at committing criminal acts prescribed by the Federal Law, shall be punished with three months to five years in prison, and a member of such a group with up to one year in prison.

Sub-paragraph 2 (e)

What penalties will apply in respect of the various offences under the relevant international conventions and protocols relating to terrorism by virtue of the amendments under consideration to bring Yugoslavian legislation into line with the Resolution.

Punishments applicable to the criminal acts of terrorism are quoted in the reply to sub-paragraphs 1 (b) and 2 (b).

What is the competence of the courts of Yugoslavia to deal with criminal acts of each of the following kinds:

- **an act committed outside Yugoslavia by a citizen or by a person who is habitually a resident in Yugoslavia (whether that person is currently present in Yugoslavia or not);**

When active personal principle is concerned, as one of the principles underlying the Yugoslav criminal legislation, legally relevant is only the Yugoslav citizenship of the perpetrator, and not the fact that the perpetrator has permanent residence in the territory of the FRY.

- **an act committed outside Yugoslavia by a foreign national who is currently in Yugoslavia?**

This issue is regulated by Article 107 of the Criminal Law of the FRY "Applicability of the Yugoslav criminal legislation to aliens who committed a criminal act abroad". According to paragraph 1 of this article, the Yugoslav criminal legislation applies to an alien who commits a criminal act against our country abroad or who commits a criminal act against a citizen of the FRY. Paragraph 2 of the same article sets forth the conditions under which the universal principle is applied. According to this provision, the Yugoslav legislation also applies to an alien who commits a criminal act abroad against a foreign country or a foreign national punishable under the Yugoslav legislation with five or more years in prison (it follows from the answers to the previous questions that criminal acts of terrorism fall into this category of criminal offenses). The conditions for the application of the universal principle is that the perpetrator is found in our territory, that he/she is not extradited to a foreign country and that the committed act is punishable according to the law of the country where it has been committed.

Sub-paragraph 2 (f)

Please outline the particular provisions of the Law on Criminal Procedure that deal with mutual assistance in criminal investigation and in criminal proceedings.

The international legal assistance in criminal matters is regulated by a separate chapter of the Law on Criminal Procedure. According to this Law, international treaties shall have priority in the granting of international legal assistance, and if an international treaty has not been concluded with a certain state or if an issue is not regulated by an international treaty, the international legal assistance in criminal matters shall be provided according to the provisions of that Law.

According to the Law on Criminal Procedure, legal assistance implies primarily legal assistance in the narrower sense (interviewing of the defendant, witnesses and experts, preliminary investigation, search of premises and persons, confiscation of objects, as well as submission of documents, written materials and other objects in connection with the criminal proceedings conducted in the requesting state), as well as special forms of legal assistance, also regulated by this Law, such as extradition, cession and assumption of criminal prosecution and execution of the court decisions in relation to criminal punishment. All the foregoing forms of legal assistance are carried out on the basis of reciprocity. When providing international legal assistance, the body in charge of communication on the Yugoslav part according to the Law is the Federal Ministry of Justice.

Provision of legal assistance in the narrower sense is not regulated in detail, and as for the mentioned special forms of legal assistance, their regulation can be outlined as follows:

Regarding the execution of the ruling of a foreign court in criminal proceedings, the Law sets forth that the domestic court will carry out the ruling of a foreign court in relation to the punishment if that is specified by an international treaty or on the basis of reciprocity and if the punishment is pronounced by a domestic court according to the criminal legislation of the FR of Yugoslavia. In addition, if a foreign national has been convicted by a domestic court or a person authorized by a treaty files a request that the convict serves the sentence in his home country, the court judging in the first degree will act pursuant to the international treaty or according to reciprocity.

If a criminal offense has been committed in the territory of the FR of Yugoslavia by a foreign national residing in a foreign country, criminal prosecution may be ceded to that state if the foreign state does not object. Cession is allowed only for criminal acts punishable with up to ten years in prison, as well as for criminal acts of endangerment of public traffic. If the injured party is a Yugoslav citizen, cession shall not be allowed if the injured party objects, unless it has been granted as a security for exercising of his/her property claim.

The legal assumptions for extradition are: 1) that the person whose extradition is requested is not a Yugoslav citizen; 2) that the act for which extradition is requested has not been committed in the territory of the FRY, against it or its citizen; 3) that the act for which extradition is requested is a criminal act according to both the Yugoslav law and the law of the country where it has been committed; 4) that the statute of limitations according to the Yugoslav law has not occurred with respect of criminal prosecution or the execution of punishment or that the act is not encompassed by amnesty; 5) that the alien whose extradition is requested has not been already convicted for the same crime by the domestic court or acquitted by the domestic court, unless conditions for retrial set forth by this Law apply, or that criminal proceedings have not been instituted in the FRY against the alien for the same crime committed against the FRY, and if it has been instituted for an act committed against a Yugoslav citizen, that security has been provided for the exercising of a legal property claim; 6) that the identity of the person has been established and 7) that there is sufficient evidence for a

reasonable suspicion that the alien whose extradition is requested has committed the said crime or that an effective court decision exists.

Please provide a list of countries with which Yugoslavia has concluded bilateral agreements on mutual assistance.

Yugoslavia has signed 34 bilateral agreements on mutual legal assistance with 25 countries. Bilateral agreements on legal assistance have been concluded with the following countries: Albania, Algeria, Austria, Belgium, Bulgaria, Czechoslovakia (applicable to both the Czech Republic and Slovakia), Denmark, France, Greece, The Netherlands, Croatia, Iraq, Italy, Cyprus, Germany, Poland, Romania, Hungary, Mongolia, Russian Federation (former USSR), United States of America, Spain, Switzerland, Turkey and United Kingdom.

Sub-paragraph 3 (c)

CTC would be grateful for a report on the progress of the work of the expert working group on terrorism mentioned in the report.

Due to the intensive work on the drawing up of the Constitutional Charter, which should regulate the relations between Serbia and Montenegro, the Expert Working Group, i.e. the Counter-Terrorism Council has been formally established by the decision of the Federal Government of the FRY on 1 August 2002. The federal minister of the interior has been appointed the chairman of this body, and the federal minister of defense the deputy chairman. In view of this fact, stepped up activities of the Council can be anticipated in the forthcoming period, of which the CTC will be kept posted.

The CTC would be grateful for a list of the multilateral and bilateral treaties and agreements relating to mutual assistance in criminal matters to which Yugoslavia is party.

The list of treaties and agreements is provided as the Enclosure 3.

Sub-paragraph 3 (d)

The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism, on the progress made by Yugoslavia in:

- **becoming a party to the instruments to which it is not yet a party; and**

The Federal Assembly of the FR of Yugoslavia ratified the International Convention on the Suppression of the Financing of Terrorism on 1 July 2002, and on 2 July 2002 it ratified the Convention on the Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of the Council of Europe, adopted on 8 November 1990.

In addition to the ratified European Convention on the Suppression of Terrorism, ratification of the International Convention for the Suppression of Terrorist Bombings is under way, while procedure has been initiated for the ratification of the Convention on the Marking of Plastic Explosives for the Purpose of Detection.

- **enacting legislation, and making other necessary arrangements, to implement the instruments to which it is a party.**

Ratification of these Conventions will be followed by the enactment of necessary laws and other arrangements for their implementation.

Sub-paragraph 3 (e)

The CTC would welcome a progress report on the enactment and implementation of the amendments of the Criminal Law mentioned in relation to this sub-paragraph.

The Draft Law on the Amendments to the Criminal Law of the FR of Yugoslavia is still in parliamentary procedure and its enactment is expected to follow soon.

Sub-paragraph 3 (f)

Is there provision similar to Article 12 of the Law on Citizenship to restrict the long-term residence in Yugoslavia of persons of the kind to whom that Article denies citizenship?

Pursuant to Article 12 of the Law on Yugoslav Citizenship (*Official Gazette of the FRY*, Nos. 33/96 and 9/01) and provisions of Articles 12a and 26 of the Law, the possibility for admission into Yugoslav citizenship of a foreigner married to a Yugoslav citizen who has been granted permanent residence in the FRY, or a person who has been discharged from the Yugoslav citizenship and who is staying in the Yugoslav territory for at least one year, is excluded if their behavior gives rise to the conclusion that they would not respect the legal order of the FR of Yugoslavia.

In addition, Article 48 of the Law sets forth that a citizen of one of the newly-emerged states in the territory of the former SFRY, who is staying in the territory of the FR of Yugoslavia as a refugee, expellee or a displaced person, or a citizen of the SFRY who does not have a citizenship of one of the newly-emerged states, will not be admitted into Yugoslav citizenship if the interests of security, defense or international position of the FR of Yugoslavia so require.

Other matters

Could Yugoslavia please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

The scope of work of the Ministry of the Interior (MUP) of the Republic of Serbia is defined in Article 3 of the Law on Ministries, according to which the Ministry of the Interior discharges the tasks of the government administration relating to the protection of the security of the Republic of Serbia and detection and prevention of activities aimed at undermining or overthrow of the constitutional order, protection of life, personal and property security of citizens; suppression and detection of criminal acts and detection and arrest of the perpetrators of criminal acts and their delivery to the competent authorities; guarding of certain persons and facilities; safety of road traffic; control of the border crossing; control of the movement and stay in the border zone; control of the movement and stay of foreigners; acquisition, possession and carrying of arms and ammunition; production of and trade in explosive substances, flammable liquids and gasses; fire protection; citizenship, personal ID number, identity cards, travel documents, domicile and residence of citizens; training; deciding in the second degree in administrative procedure, on the basis of the regulation on refugees, as well as other duties defined by law.

The main principles for internal organization and job classification in the Ministry of the Interior of the Republic of Serbia are defined by the Government of the Republic of Serbia. The internal organization and job classification in the Ministry of the Interior of the Republic of Serbia are regulated by a ruling issued by the minister of the interior, with the consent of the Government.

The organization of the Ministry of the Interior of the Republic of Serbia is defined by the Regulation on the Internal Organization of the MUP of the RS. It regulates the organizational units of the Ministry, their scope, organization of the headquarters and areas under their jurisdiction, manner of the management of organizational units and manner of programming, planning and execution of the tasks in the Ministry. According to this regulation, the work and management of the Ministry are organized according to the horizontal-vertical and territorial principles, through the Public Security Department and territorial organizational units – 33 Secretariats of the Interior (SUP), which encompass in their scope 126 Offices of the Interior (OUP) and 31 Police Stations (PS).

Within the scope of the Public Security Department at the MUP headquarters there are 13 organizational units (10 Bureaus, the Operational Center, Special Anti-Terrorist Unit and Gendarmery). The Bureaus at the Headquarters are: the Criminal Police Bureau, the Police Bureau, the Traffic Police Bureau, the Border Police Bureau for Aliens and Administrative Affairs (which encompasses 37 Border Police Stations – SPPs), the Fire Brigade, the Analytical Bureau, the Information Bureau, the Communications Bureau, the General Services Bureau and the Board and Lodging Bureau.

The following organizational units operate outside the scope of the Department: the Office of the Minister, the Office for Combating Organized Crime, the General Inspector for the Public Security Department, the General Inspector for the State Security Department, the Special Operations Unit (JSO), the Helicopter Unit, the Normative and Legal Affairs Office, the Security Institute, the College of the Interior and the Secondary School of the Interior.

Regular police force is the most numerous division of the Ministry of the Interior. Its scope of operation is defined by law and includes primarily the tasks referring to the safety of persons and property, maintaining public order and peace, safety of road traffic, border crossing control. The nature of these tasks defines their

respective titles: the General Police, the Criminal Police, the Traffic Police, the Border Police and the Fire Brigade.

Special police force

Special police force is organized into the following units: Special Anti-Terrorist Unit (SAJ), Gendarmery, Special Operations Unit (JSO) and Helicopter Unit.

Special Anti-Terrorist Unit

Performs tasks referring to the protection of the security of the Republic of Serbia and its citizens, particularly in the situations of hijacking of aircraft and other transport means, taking of hostages, barricading, action of sabotage-terrorist, outlaw and other dangerous groups or individuals and in other situations involving resistance with the use of firearms.

Gendermery

The basic maneuver unit of the Public Security Department, which plans, organizes and carries out the most complex security tasks in the cases such as incursions and organization of sabotage-terrorist and dangerous outlaw groups; rebellion in prisons; arrest of dangerous criminals; restoring public order and peace in case of its massive disruption; security at high-risk public gatherings; assistance in cases of general danger and elimination of consequences of natural disasters, as well as other duties and tasks within the scope of work of the Department.

Special operations unit (JSO)

Carries out tasks and duties referring to the suppression of terrorist and sabotage actions by organizations, groups or individuals in the country or abroad, performs rescuing functions by aiding citizens whose lives and/or property are endangered and carries out other tasks in cases when the interests of the country's security so require.

Helicopter unit

Discharges tasks referring to direct engagement and assistance in providing protection of the state and its citizens, and in particular detection and apprehension of terrorist, outlaw and other criminal groups or individuals, arrest of dangerous criminals, restoration of public order and peace in case of its massive disruption, traffic control, containment and extinguishing of fire, rescuing functions in case of endangered lives and property, and carries out other tasks in cases when the interests of the country's security so require.

The organizational chart of the Ministry of the Interior of the Republic of Serbia is provided in Enclosure 4.[2]

[2] In view of their competencies and scope of work, the Republic Ministries bear the greatest burden, duties and responsibilities in combating terrorism. Due to this, instead of the organizational chart of the Federal Ministry of the Interior, we presented as representative the organization of the Ministry of the Interior of the Republic of Serbia, which covers and is responsible for security on the greatest part of the FRY territory.